

Sixth Appellate District

San Jose, California

MONDAY, OCTOBER 27, 1997

H015356 PEOPLE v. RAMIREZ

The judgment is affirmed. (not published)  
(Premo, Acting P.J.; We concur: Elia, J., Wunderlich, J.)  
Filed October 27, 1997

H015936 MENDONCA v. MENDONCA

The judgment is affirmed. (not published)  
(Mihara, J.; We concur: Cottle, P.J., Bamattre-Manoukian, J.)  
Filed October 27, 1997

H014933 PEOPLE v. ZUEHLKE

The judgment is affirmed. (not published)  
(Premo, J.; We concur: Cottle, P.J., Bamattre-Manoukian, J.)  
Filed October 27, 1997

H016075 FIKROU v. SUN MICROSYSTEMS, INC.

By the Court\*:

Appellant's motion to augment the record on appeal and the  
petition for rehearing are denied.

Dated October 27, 1997 Elia, Acting P.J.

\*Before Elia, Acting P.J., Wunderlich, J., and Mihara, J.

H016424 PEOPLE v. TAYLOR

The judgment is affirmed. (not published)  
(Premo, Acting P.J.; We concur: Elia, J., Wunderlich, J.)  
Filed October 27, 1997

TUESDAY, OCTOBER 28, 1997

H015985 PEOPLE v. HARRIS

The judgment is affirmed. (not published)  
(Wunderlich, J.; We concur: Premo, Acting P.J., Elia, J.)  
Filed October 28, 1997

H015607 PEOPLE v. ABENDANO

The trial court's order revoking appellant's probation is  
affirmed. (not published)  
(Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)  
Filed October 28, 1997

H016341 CAMPBELL v. DEPT. OF MOTOR VEHICLES, et al.

By the Court\*:

Appellant's petition for rehearing is denied.

Dated October 28, 1997 Cottle, P.J.

\*Before Cottle, P.J., Elia, J., and Mihara, J.

Sixth Appellate District

San Jose, California

Tuesday, October 28, 1997 (Continued)

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Cottle, P.J.; Bamattre-Manoukian, J., Mihara, J.; and W. Magsaysay, Deputy Clerk.

H016418 IN RE MICHAEL M., A MINOR

Cause called and argued by Anthony Bole appearing for appellant and by Mia Anna Mazza, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H015991 PEOPLE v. LOPEZ

Cause called and argued by Dallas Sacher appearing for appellant and by Clifford K. Thompson, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H015746 PEOPLE v. RODRIGUEZ

Cause called and argued by Robert Riggs appearing for appellant and by Gregg E. Zywicke, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H016455 PEOPLE v. GONZALES

Cause called and argued by Peggy S. Ruffra, Deputy Attorney General, appearing for appellant and by Meredith J. Watts appearing for respondent. Cause ordered submitted.

H016205 IN RE MARRIAGE OF CAMBLIN

Cause called and argued by Myrna R. Britton appearing for appellant. Counsel for respondent, Larry Peterson, is not present. Cause ordered submitted.

Court recesses until 1:30 p.m.

The Court reconvened at 1:30 p.m in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Cottle, P.J.; Bamattre-Manoukian, J., Mihara, J.; and David T. Clark, Deputy Clerk.

H016252 IN RE ANDREW R., A MINOR

Cause called and argued by Suzanne Littel appearing for appellant and by John R. Vance, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H016030 PEOPLE v. CORDOVA

Cause called and argued by Victor Campos appearing for appellant and by Rene Chacon, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, October 28, 1997 (Continued)

H015653 PEOPLE v. AYON

Cause called and argued by Alan Stern appearing for appellant and by Eric D. Share, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H015823 CORTEZ v. CORTEZ

Cause called and argued by Samuel E. Goldstein appearing for appellant and by Robert Anderson appearing for respondent. Cause ordered submitted.

H014778 ALUM ROCK UNION SCHOOL DISTRICT v. CITY OF SAN JOSE

Cause called and argued by Harold M. Freiman appearing for appellants and by Joseph DiCiuccio, Deputy City Attorney, appearing for respondents. Cause ordered submitted. Court is adjourned.

WEDNESDAY, OCTOBER 29, 1997

H015919 IN RE MARRIAGE OF BARBARA and CHARLES DUNBAR

The appeal is dismissed. (not published)  
(Premo, Acting P.J.; We concur: Elia, J., Wunderlich, J.)  
Filed October 29, 1997

H016151 JACKSON v. McANDREWS

The order denying motion to stay proceedings is reversed. The trial court is directed to enter an order granting defendant's motion as to the Industries Expert correction and Pioneer correction and ordering arbitration of these disputes. The trial court is directed to enter an order denying defendant's motion as to categories of damage or corrections distinct from the Industries Expert and Pioneer corrections. Each party is to bear his or her costs on appeal. (not published)  
(Premo, Acting P.J.; We concur: Elia, J., Wunderlich, J.)  
Filed October 29, 1997

H015704 ANDERSON, et al. v. PHILLIPS, et al.

The judgment is affirmed. Costs are awarded to respondents. Each side is to bear its own attorney's fees. (not published)  
(Wunderlich, J.; We concur: Premo, Acting P.J., Elia, J.)  
Filed October 29, 1997

H016534 IN RE JERARDO M., A MINOR

The judgment is affirmed. (not published)  
(Premo, Acting P.J.; We concur: Elia, J., Wunderlich, J.)  
Filed October 29, 1997

Sixth Appellate District

San Jose, California

Wednesday, October 29, 1997 (continued)

H013870 PEOPLE v. O'DONELL

In light of the Supreme Court's holding in Romero, the People's petition for writ of mandate is denied. (not published)  
(Cottle, P.J.; We concur: Premo, J., Elia, J.)  
Filed October 29, 1997

H015381 PEOPLE v. MARTINEZ

The sentence as to Martinez is vacated. This matter is remanded to the trial court to allow that court to exercise its section 1385 discretion to strike Martinez's prior convictions in the furtherance of justice. Should the trial court decide to strike the priors, it "must set forth the reasons for that decision in strict compliance with section 1385(a). Any such decision will be reviewable for abuse of discretion according to the procedures generally applicable to such decisions." (People v. Superior Court (Romero, supra, 13 Cal.4th at p. 532.) In all other respects, including the sentence as to Avila, the judgment is affirmed. (not published)  
(Premo, Acting P.J.; We concur: Elia, J., Wunderlich, J.)  
Filed October 29, 1997

THURSDAY, OCTOBER 30, 1997

H016229 CHRISTENSEN, et al. v. LOVERING, et al.

The orders sustaining the demurrer without leave to amend and granting the motion for summary judgment/adjudication were proper. Consequently, we affirm the judgment. Costs shall be awarded to defendants. (not published)  
(Wunderlich, J.; We concur: Premo, Acting P.J., Elia, J.)  
Filed October 30, 1997

H016107 IN RE SARAH S., A MINOR

The judgment is affirmed. (not published)  
(Premo, J.; We concur: Cottle, P.J., Bamattre-Manoukian, J.)  
Filed October 30, 1997

H016816 IN RE CARLOS Z., A MINOR

The judgment is affirmed. (not published)  
(Mihara, J.; We concur: Cottle, P.J., Bamattre-Manoukian, J.)  
Filed October 30, 1997

H016002 PEOPLE v. KIM

The judgment is affirmed. (not published)  
(Bamattre-Manoukian, J.; We concur: Cottle, P.J., Premo, J.)  
Filed October 30, 1997

Sixth Appellate District

San Jose, California

Thursday, October 30, 1997 (continued)

H015686 HOWARD JARVIS TAXPAYERS ASSOCIATION, et al. v. COUNTY OF SANTA CLARA, et al.

The order denying an award of attorney fees under Code of Civil Procedure section 1021.5 is affirmed. The county of Santa Clara and Santa Clara County Local Transportation Authority shall recover their costs on appeal. (not published)

(Bamattre-Manoukian, J.; We concur: Cottle, P.J., Premo, J.)  
Filed October 30, 1997

FRIDAY, OCTOBER 31, 1997

H016030 PEOPLE v. CORDOVA

The judgment is affirmed. (not published)  
(Bamattre-Manoukian, J.; We concur: Cottle, P.J., Mihara, J.)  
Filed October 31, 1997

H015653 PEOPLE v. AYON

The judgment is affirmed. (not published)  
(Bamattre-Manoukian, J.; We concur: Cottle, P.J., Mihara, J.)  
Filed October 31, 1997

H015515 PEOPLE v. PERALEZ

We vacate the judgment and remand the case to the trial court solely for the purpose of resentencing pursuant to *People v. Superior Court (Romero)*, *supra*, 13 Cal.4th 497. (not published)

(Bamattre-Manoukian, J.; We concur: Cottle, P.J., Mihara, J.)  
Filed October 31, 1997

H016418 IN RE MICHAEL M.; PEOPLE v. MICHAEL M.

The jurisdictional and dispositional orders are affirmed. (not published)  
(Cottle, P.J.; We concur: Bamattre-Manoukian, J., Mihara, J.)  
Filed October 31, 1997

H015966 LAWRENCE TORREZ v. CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE

The order of the court denying Consolidated Freightway's petition to compel arbitration of Torrez's statutory claims is affirmed. The matter is remanded to the trial court to make an order consistent with this opinion on Torrez's nonstatutory claims. Each party to bear its own costs on appeal. (partial publication)

(Cottle, P.J.; We concur: Premo, J., Bamattre-Manoukian, J.)  
Filed October 31, 1997

Sixth Appellate District

San Jose, California

Friday, October 31, 1997 (continued)

H014665 PEOPLE v. MEIGGS

The judgment is affirmed. (not published)  
(Cottle, P.J.; We concur: Bamattre-Manoukian, J., Mihara, J.)  
Filed October 31, 1997

H016422 PEOPLE v. FRANKLIN

The judgment is affirmed. (not published)  
(Mihara, J.; We concur: Cottle, P.J., Bamattre-Manoukian, J.)  
Filed October 31, 1997